

APPEAL NO. 020207  
FILED MARCH 14, 2002

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). A contested case hearing was held on January 11, 2002. The hearing officer determined that the compensable injury of \_\_\_\_\_, does not extend to and include the appellant's (claimant) neck, left shoulder, and left wrist in the form of carpal tunnel syndrome (CTS). The claimant asserts in the appeal that the hearing officer erred in determining extent of injury. The respondent (carrier) filed a response.

DECISION

Affirmed.

The claimant had the burden to prove by a preponderance of the evidence that her compensable injury of \_\_\_\_\_, extends to and includes the neck, left shoulder, and left wrist in the form of CTS. Johnson v. Employers Reinsurance Corporation, 351 S.W.2d 936 (Tex. Civ. App.-Texarkana 1961, no writ). Extent of injury is a question of fact. Texas Workers' Compensation Commission Appeal No. 93613, decided August 24, 1993. Section 410.165(a) provides that the contested case hearing officer, as finder of fact, is the sole judge of the relevance and materiality of the evidence as well as of the weight and credibility of the evidence. As the trier of fact, the hearing officer resolves the conflicts and inconsistencies in the evidence. Garza v. Commercial Insurance Company of Newark, New Jersey, 508 S.W.2d 701 (Tex. Civ. App.-Amarillo 1974, no writ). The hearing officer did not find the claimant's evidence to be credible. The challenged determination is not so against the great weight and preponderance of the evidence as to be clearly wrong or manifestly unjust. Cain v. Bain, 709 S.W.2d 175, 176 (Tex. 1986); In re King's Estate, 150 Tex. 662, 244 S.W.2d 660 (1951).

The hearing officer did not err in excluding the Claimant's Exhibits 1 and 17. There was evidence that these exhibits were not timely exchanged. In addition, based on the record in this case, there is no legal basis for the Appeals Panel to consider new information raised for the first time in the claimant's appeal.

The decision and order of the hearing officer are affirmed.

The true corporate name of the insurance carrier is **CONTINENTAL CASUALTY COMPANY** and the name and address of its registered agent for service of process is

**CT CORPORATION SYSTEMS  
350 NORTH ST. PAUL STREET  
DALLAS, TEXAS 75201.**

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Robert E. Lang  
Appeals Panel  
Manager/Judge

CONCUR:

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Elaine M. Chaney  
Appeals Judge

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Gary L. Kilgore  
Appeals Judge